

REMARKS

Summary of the Office Action

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,559,981 to *Fabrig* in view of U.S. Patent Publication No. 2004/0018041 to *Amdahl et al.* (“*Amdahl*”).

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicant has amended claim 1 with the features of dependent claim 20. Claim 20 has been cancelled without prejudice or disclaimer. Claims 10, 12-13, and 16-17 are cancelled, and claims 4-9, 11, 14-15, and 18-19 are withdrawn. Accordingly, claims 1-3 are under review with claims 1-9, 11, 14-15, and 18-19 presently pending.

The Rejection Under 35 U.S.C. § 103(a)

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fabrig* in view of *Amdahl*. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the features of newly amended independent claim 1 are not found in either *Fabrig* or *Amdahl*. That is, neither cited reference of record discloses at least “separating one binder from a stack of a plurality binders, wherein the one binder which is separated is used as said binder for binding the sheets of papers,” as recited in claim 1.

ATTORNEY DOCKET NO.: 040894-7390
Application No.: 10/567,862
Page 10

Thus, Applicant respectfully submits that *Fabrig* and *Amdahl*, whether alone or in combination, fails to teach or suggest all the recited features of newly amended independent claim 1. On page 5, in the section entitled “Allowable Subject Matter,” the Office Action indicates that claim 20 contains distinguishing features. These features are now incorporated in newly amended claim 1. Accordingly, Applicant respectfully requests that the rejections of claims 1-3 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: January 15, 2010

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